

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Endowments Department - A.P.E.T. – O.A. No. 1365 of 2010 (Old No. 28 of 2009 of D.C. Guntur) – Judgment referred to Government for final decision for pronouncement of Judgment – Communication of the decision of the Government - orders Issued.

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REVENUE (ENDOWMENTS.II) DEPARTMENT

G.O.RT.No. 910

Dated:28.10.2014.

Read:

From the Chairman-cum-District Judge, A.P. Endowments  
Tribunal, Hyderabad Letter No. 884/ 2011, dated 5.8.2011.

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**ORDER**

Whereas, Sri Ch. Sitaramanujacharyulu, S/o Krishnamacharyulu, R/o Macharla Town and Mandal, Guntur District has filed an application before A.P.E.T. seeking to set aside the order passed on 11.1.2008 by the Founder Trustee removing him from the services and requested to reinstate him as Archaka of Sri Seetharama Swamy Temple, Jammalamadaka Village, Macherla Mandal, Guntur District and to grant the emoluments by considering the petition.

2. After hearing both sides, i.e., the applicant and the respondents, the Tribunal formed the following points for consideration to decide by the A.P.E.T:

1. Whether the Petitioner admittedly the Archaka of the subject temple, was duly removed from the services as Archaka as contended by the respondents-trustees of the temple in opposing the petitioner's claim that he is entitled to the emoluments as in service from the said purported order of removal is not valid and binding on him hence to set aside the same by order of reinstatement?
2. Whether the proceedings as filed before the Dy.Commissioner and after constitution of the Tribunal made over the file and taken on file by the Act, 30/87 and is liable to be dismissed as contending by the Respondents?

3. To what result?

3. The Chairman-Cum District Judge, A.P.E.T., after discussing the issue point wise concluded as below:-

***“Accordingly and in the result, the O.A. is allowed with costs holding that this Tribunal got jurisdiction to decide the lis and that the applicant need not seek to set aside the Ex. P5=R9 purported order of removal and for reinstatement and even asked it is inconsequential and that he is for all purposes in service, even from the Ex.P5-R9 purported order of removal as it is not an order in the eye of law with any legal sanctity since null and void and unenforceable, and thus continue to render his Archakatvam duties being in services as usual and thereby entitled to the emoluments at Rs.40,000/- p.a. from 1<sup>st</sup> January, 2008 till date at the same proportion every month and also from now onwards till the land (Ac.4.11 cts, which was taken possession high handedly by the respondents from the applicant's possession and enjoyment out of the land Ac.8.23 cts. even as Archaka Service)is delivered back to the respondents. The respondents are directed to deliver back the land to the applicant forthwith and to pay the arrears of the said emoluments within three months from today, failing which, without prejudice to the rights of the applicant to recover by filing a civil suit for recovery of the amounts***

**Contd..**

***against the respondents and by filing a civil suit for recovery of possession, the respondents are liable for penal consequences under Sections-187&188 IPC and other provisions of law.”***

4. Whereas the Member, Andhra Pradesh Endowments Tribunal. has differed with the above conclusion and delivered the following judgment:

“..... But in this case, the petitioner has been asking for payment of the emoluments as the impugned order under ex.P5 removing him from service as Archaka is null and void and no way binding on him, which has not been decided by any appellate authority as to its validity. He is not claiming this relief as per custom, tradition or usage prevailing in the institution to claim U/s 87 (1) (e) for payment of such emoluments to be decided by this Tribunal. Therefore, 87 (1) (e) has no application to this case and cannot be decided by this Tribunal.

***“Accordingly, the Point No.2 for consideration is answered holding that this Tribunal has got no jurisdiction to enquire into the service matters of office-holders and servants of the Charitable or Religious Institution or Endowments under Section 37(3) of the Act, 30/87 and Section-87(1) (e) has no application to decide the matter. Thus, for the reasons stated above, the OA is dismissed with no costs.”***

5. As per the Rule 22 (2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Rules, 2010, “Both the Chairman and Member should hear the arguments in the application and deliver the order signed by both of them or independently. In case of disagreement the Chairman shall address the Government.

6. In view of the different conclusions of the Chairman and Member, the Chairman referred the matter to the Government for taking final decision by Government, as per rule 22 (2) APC&HRI and Endowment Tribunal Rules, 2010 issued in G.O.Ms.No.180, Dt.28.01.2011, so as to enable the Tribunal to pronounce final judgment in the matter i.e., in O.A.No.1365/2010 (old No.28/2009 of Guntur).

7. Government after careful examination of the opinions of both the Chairman and Member of Andhra Pradesh Endowments Tribunal, observed that the A.P.E.T. has no jurisdiction over the subjects of service matters of office-holders and servants of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments. The Government therefore, agrees with the opinion of the Member of the A.P.E.T..

8. The Chairman-cum-District Judge, Andhra Pradesh Endowments Tribunal, Hyderabad is therefore requested to take further necessary action to pronounce the final judgment as per the above decision of the Government.. The record in original containing (166) pages received vide reference read above is returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C. SHARMA  
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To  
The Chairman-cum-District Judge,  
Andhra Pradesh Endowments Tribunal,  
Hyderabad. (w.e)  
Copy to:  
P.S.. to Minister (Endts)  
P.S. to Prl. Secretary (Endts.)  
The Government Pleader for Revenue, A.P.  
High Court Judicature at Hyderabad.  
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER